

copy

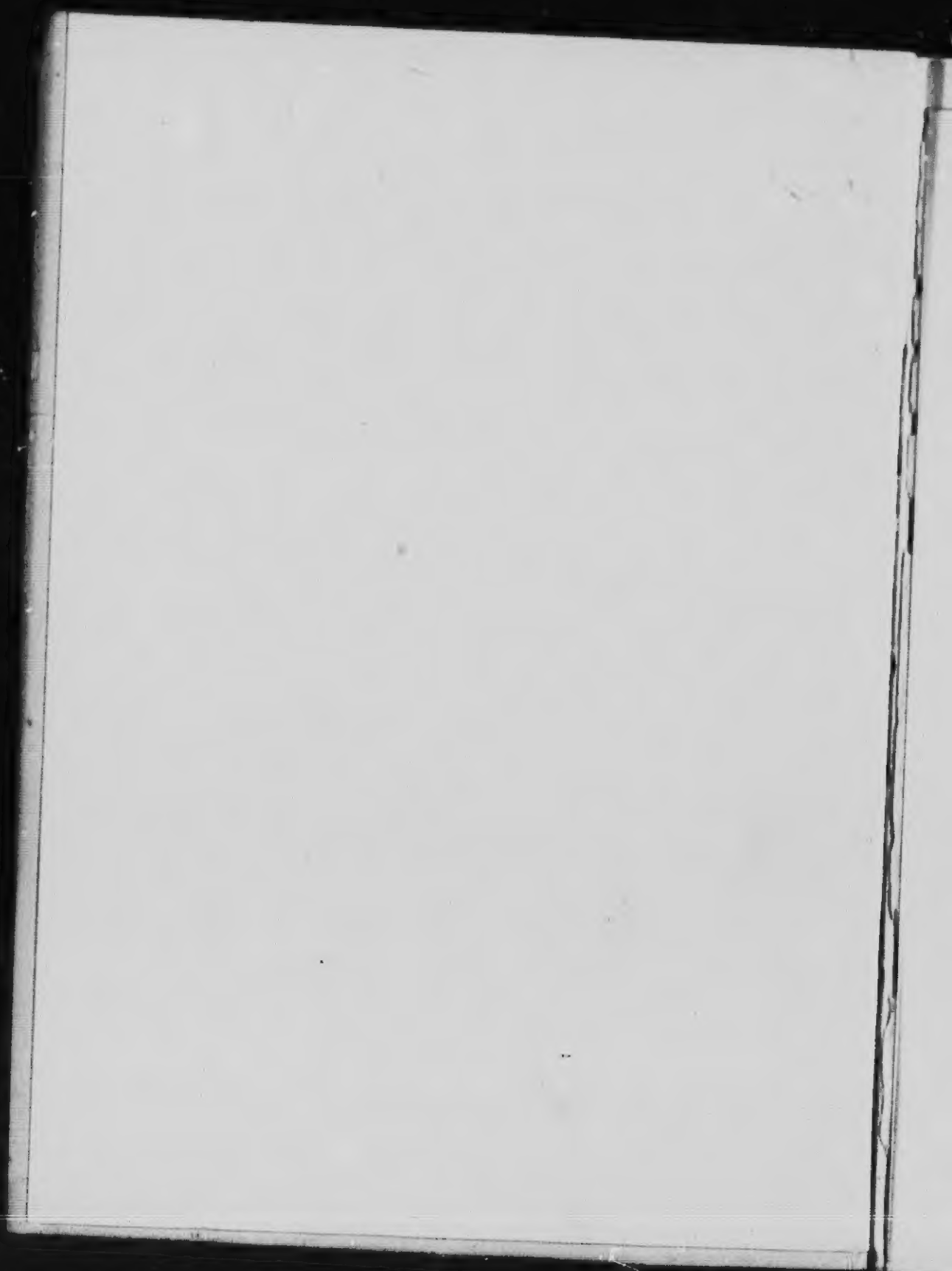
NL-Q

2500

1st Can En



***JUSTICE***







"She had walked many miles through the rain,—"

[Frontispiece]

# JUSTICE

BY  
CORRA HARRIS  
AUTHOR OF "THE CIRCUIT RIDER'S WIFE," ETC.



ILLUSTRATIONS BY  
GAYLE HOSKINS

TORONTO  
McCLELLAND, GOODCHILD & STEWART, INC.  
1915

PS3515

A725

J87

1915

~~\*~~ ~~\*~~ ~~\*~~

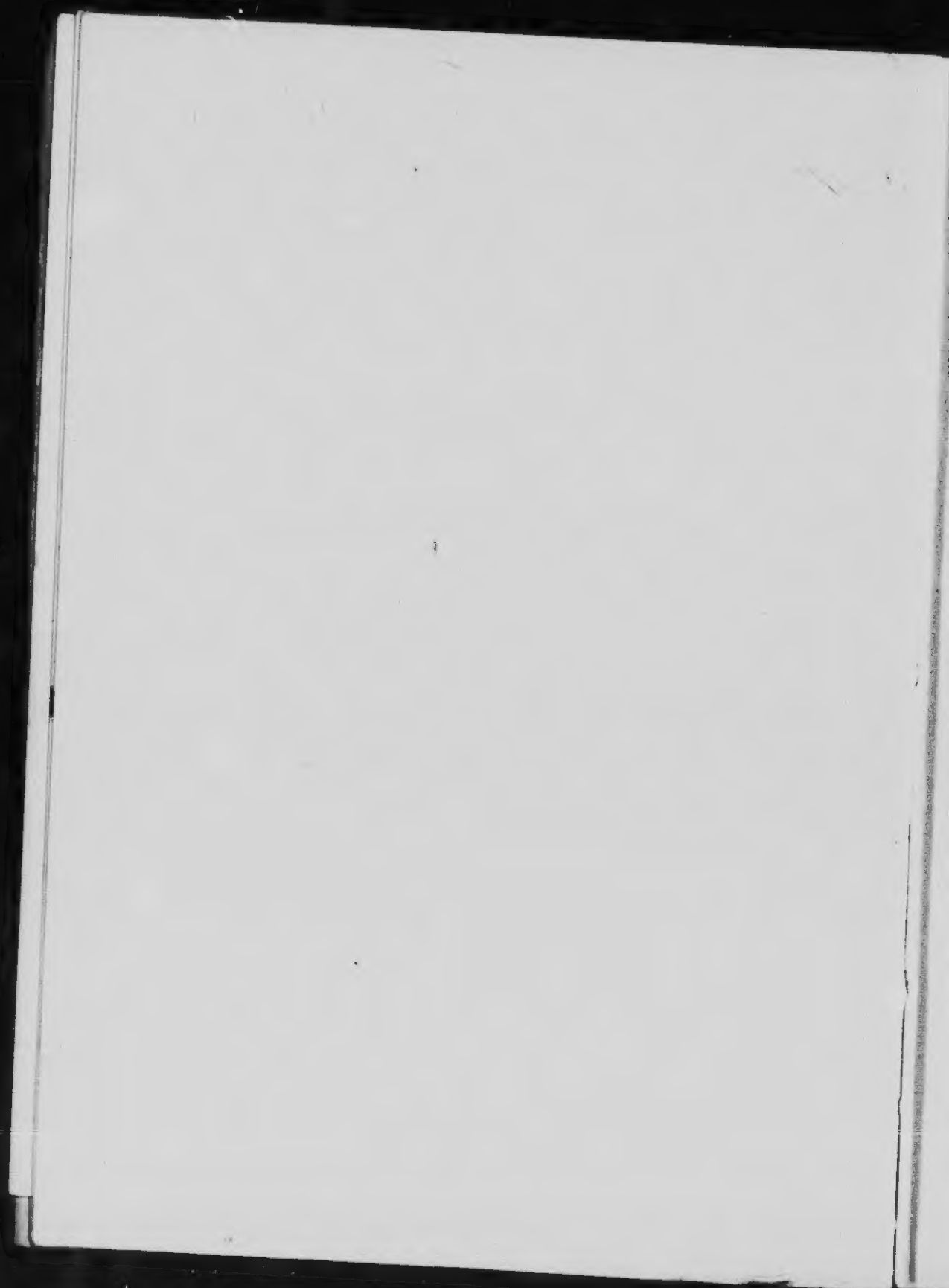
*Copyright, 1915, by the*  
**HEARST'S INTERNATIONAL LIBRARY CO.**

**All rights reserved, including translation  
into foreign languages, including  
the Scandinavian**

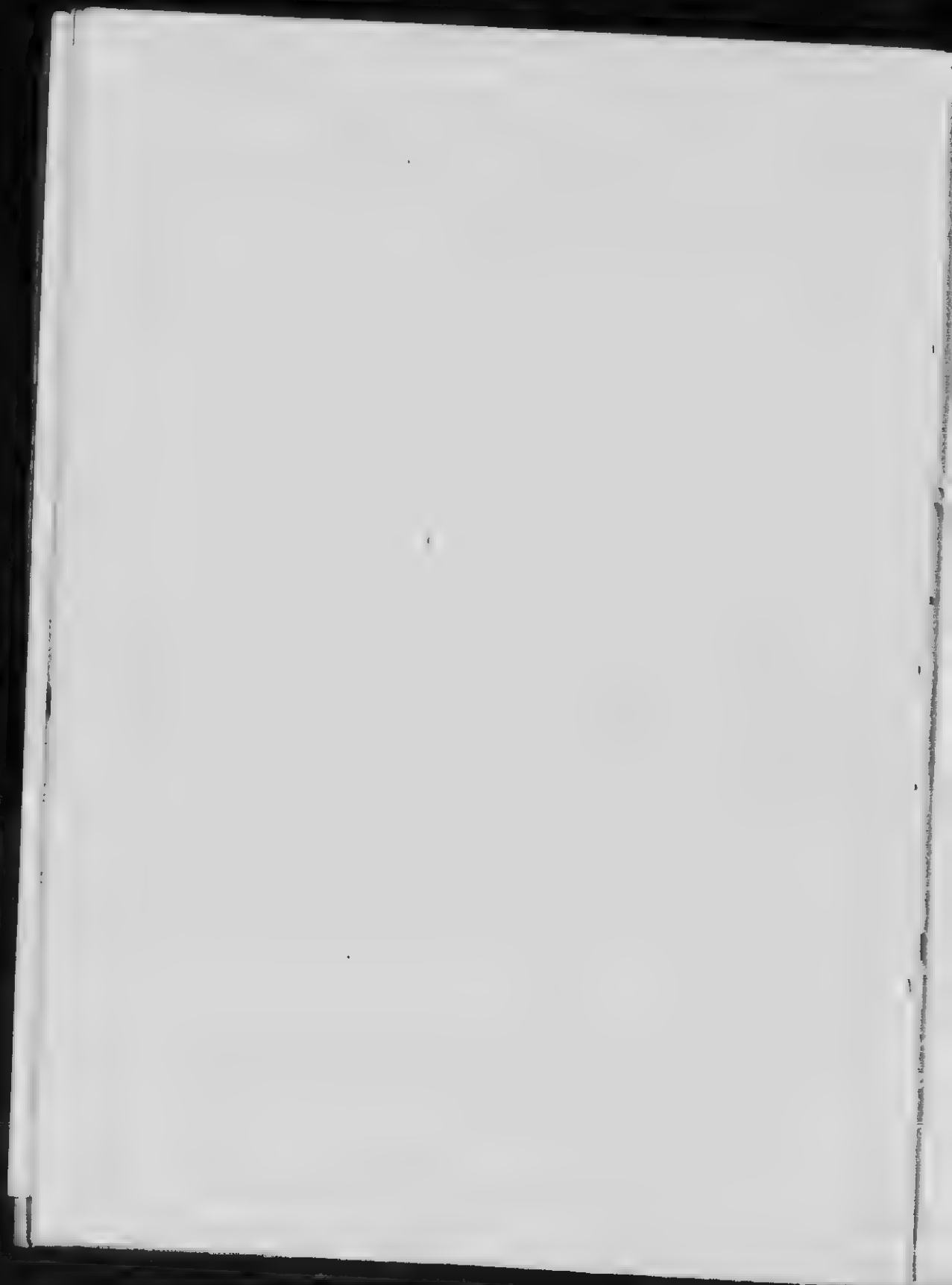


## LIST OF ILLUSTRATIONS

	PAGE
"She had walked many miles through the rain" . . . . . <i>Frontispiece</i>	16
"As he ate he glared at the figure of his wife" . . . . .	32
"He avoided the face of man" . . . . .	48
"... a posse of men with bloodhounds over- took him" . . . . .	



*JUSTICE*



## JUSTICE

**O**N the first Monday in October court convened in Arden, and justice was done.

Justice is a queer thing. We do not understand it yet. We do not live long enough to balance the scales over in the second or third generation. With us it is a system founded upon a code of arbitrary laws, for the purpose of protecting society now, to-day, by punishing the wicked at once. With God, it is a process of evolution. He requires a century, maybe two centuries, to do what the judge and jury of the Arden Court accomplished in a week. The judge

## *JUSTICE*

and jury were not to blame. Society cannot wait for these awful mills of God. They grind too slowly. A robber must be seized; a murderer must be condemned at once. Let him finish his evolution in the penitentiary, beyond the grave. There is no statute against that. We do not meddle, except theologically, with that larger, longer plan of Providence. We do not even meddle with those diseased conditions in civilization which produce the criminal. We are as slow as Providence about that. We do not cure the disease; we clear the docket by condemning the victim of it. The grand jury brings its true bills against the offender of the law, not against those conditions of society which make them offenders. Society is the outlaw who administers the law; some-

## *JUSTICE*

times dips its fingers in blood to write,  
"Thou shalt not kill."

So now, Arden was crowded, not only because many men had been summoned for possible jury duty, but because trade was brisk. There was an artificial market. Also, there was much excitement. Men are the only animals who crave that; especially do they crave it when they live dull lives in remote country communities. It is an innocuous form of intoxication, in which they may indulge without staggering and without paying for it. The square before the court-house was in an uproar, filled with clouds of dust as men and teams passed. Now and then some farmer drove across with a load of cotton. Every other farmer hailed him. A man rode through on an old

## JUSTICE

pot-bellied mare accompanied by a mule colt. The colt looked like a jack-rabbit on stilts. Everybody laughed. Logan Hawks was trying to swap a skittish sorrel filly for anything in sight. This added to the excitement. A horse-trader always does on a village square. Everybody's dog was also in town, with his tail up, ears pricked, tongue out. When dog met dog, there was the usual discussion—a terrific rippet of barks and yelps, and a ball of dust filled with revolving dogs. And in the midst of this uproar composed of so many elements a bailiff appeared ever and anon on the court-house steps, cupped his hands about his mouth, and trumpeted:

“William Head! William Head! William Head! Oyez! Oyez! Oyez!”



## JUSTICE

Whereupon the long raw-boned, sun-burned, hay-bearded person of that name detached himself from the crowd, and disappeared in the court-house to be examined as to his qualifications for serving on the jury now being impaneled for the purpose of trying one John Cox, charged with murder.

This was an extra session of the court, in fact. One of those emergencies common to human society had arisen. Two crimes which required immediate attention had been committed. A man had killed his wife, and a woman had killed her husband. These things happen in the married relation. Cupid has a way of deserting lovers at the altar. Old Man Necessity accompanies them home, and love turns out to be a sen-

## JUSTICE

tence to hard labor. Nature has deceived them both into keeping up the species, which is an expensive business that usually involves the peonage of parents. It is no affair of nature's if these two are unhappy together, if they cease to love and cherish each other, if they come to hate and struggle against each other. They are committed before witnesses to the contract. The propagation of the species is her chief concern, no matter how she veils it in moonlight and poetry. Nature is really a heartless old wretch, and Cupid is her unscrupulous agent.

Now, the wife cannot escape this peonage of maternity. Public opinion does not permit that—not yet. But the husband can, because the civilization we have made does

## JUSTICE

pennit that, which accounted for the extra session of the court in Arden.

John Cox and his wife Mary lived upon the edge of the village. They were very poor. They had been very poor so long that Cox had lost heart and ambition, that nettle of the pasture which makes a man a man. When he was drunk he was not poor; he felt very rich, his cares fell away from him. Therefore he was drunk most of the time. Mary had also lost heart, but since it is not permitted in Arden that women should flunk by inebriation, she worked harder than ever. She took in washing from the summer boarders. Her hands were always red, her face had taken on a soap-suds expression—not pretty. The front of her dress was always wet from standing over

## JUSTICE

the tubs. She had lost both her children, but by that time the habit of work had been established, so she went on with the sentence of hard labor.

Sometime during the night of September the fourteenth John Cox had returned home very drunk. His wife was lying across the bed asleep, with her clothes on, her face turned from the door, her long hair hanging down in a thick, half-twisted, yellow rope over the edge of the bed. She had waited for him, it seemed, but had fallen asleep; a little flat figure, in an ugly red-and-brown print-frock, with coarse, untidy shoes upon her feet, she lay sunken in the dreamless stupor of utter weariness.

On the table in the middle of the room there was a plate turned over upon an iron

## JUSTICE

knife and fork. There was a blue-flowered cup and saucer with a pewter spoon sticking up out of the cup. Some rashers of bacon lay upon a dish outlined with congealed grease. There was also a platter of cold bread and a little pitcher half full of sorghum, with a bit of paper laid over the top to keep the flies out. A pot of cold coffee sat tilted to one side on a ring of dead embers upon the hearth. A small old-fashioned lamp on the table gave out a sputtering flame. The room was filled with smoke which smelled of kerosene.

Two things impressed Cox as he stood glowering in the doorway. First, his wife was asleep. This was an insult, outrageous neglect. Second, his supper was cold. This was a greater insult. He was justly in-

## JUSTICE

censed. He was beside himself with rage. He looked about him, and everything he saw increased his fury. I looked at the woman again, as much as to say that if she opened her eyes, got up, showed proper contrition, he would spare her. She did not move. She was usually so submissive at such times, so desperately anxious to please him. He could not understand this new impudence; neither would he endure it. He'd show her! He would awaken her with such violence he would never again find her asleep when he came home!

As a matter of fact he did not awaken her. He never could tell afterward exactly what happened. He thought he must have been insane with rage. She now lay upon the floor, huddled near the wall, with her

## *JUSTICE*

knees drawn up, her back still toward him.

Then he sat down before the table and began to devour the food with the insensate appetite of drunkenness. As he ate he glared at the figure of his wife. It looked like a little rumpled pile of brown leaves and flowers. The red blossoms in the calico skirt seemed to enlarge until they mingled in places. He could not take his eyes off them. Suddenly the sweat broke out on his face; it ran in a cold stream down his back. He began to tremble. He tried to rise from his chair, but his knees refused to support him. He tried to withdraw his eyes from that frightful object on the floor, but he could not.

For hours he sat there staring, trembling,

## JUSTICE

with the sweat beading over him. He could not lift his hand to wipe it off his face. The lamp sputtered and went out, but still he could see dimly the mass of something upon the floor near the opposite wall; the red flowers gleamed in the darkness.

At last a pale light filled the dreadful room. Day was breaking. With it came the wild strength of fear. He staggered up, backed through the door, drew it shut, then he turned, and began to run. He ran all day, only pausing now and then to get his wind and to recover his strength. He avoided the face of man as if that were the judgment of God. He went up the mountain, crossed streams, fought his way through brush and briars that tore at him like detaining hands. He went down a ravine on



## *JUSTICE*

the other side, on and on again, until the awful darkness of another night fell.

Soon after this a posse of men with bloodhounds overtook him.

That was all. It was one of those simple crimes for which the criminal must be punished—at once. So the court of Arden was convened to determine the guilt or innocence of John Cox.

The prisoner sat in the dock on the right hand of Judge Freeman, who presided. His counsel, Colonel Pinkerton Britt and Judge Capers, were just outside the dock. Solicitor Morton, the prosecuting-attorney, was on the left. The prisoner was a woeful sight. His short black hair stood up on his head. He was ghastly pale, his eyes were sunken, bloodshot, restless, as if some-

## JUSTICE

where far within he was still flying before the swift feet of vengeance. You might have said, "Here is innocence caught in the vise of some terrible guilt."

In fact, this was the case. His crime was not his; innocence lifted her hands in that haggard face and prayed for release, not only from the law, but from self-conviction. The spectators beheld a more frightful tragedy than any crime—a man whom no jury could acquit, a soul which no jury could find guilty. He was not by nature a murderer. The evidence showed that he was almost an affectionate husband when sober.

Still, the case consumed two days. The law is devious in its straightness. You must respect precedents. You must cite similar cases to prove your arguments. The state

## **JUSTICE**

must prove that the prisoner at the bar is outrageously guilty, that the crime of which he is accused is one of the most heinous in the history of human society. On the other hand, the counsel for the defense must prove that he is innocent, that there were mitigating circumstances; that, for example, a drunken man is not responsible for his acts. From time immemorial the law has recognized this fact. In this case the accused was so drunk he had absolutely no recollection of his crime—if indeed he had committed it, which had not been, and could not be, proved. And so forth and so on. Then the judge must charge the jury. All this takes time, costs money, and conceals the real criminal, which is society. But it is the best form of justice we have evolved.

## **JUSTICE**

You cannot arrest a commonwealth for permitting the sale of liquor which causes a man to kill his wife. That is the source from which the state derives a large part of its revenue.

As a matter of fact, Cox's neck alone was saved, not Cox. The verdict was "Guilty, with recommendations for mercy." He would finish his evolution under difficulties. He would become one of those ball-and-chain benefactors of commerce and civilization who build good highways. More revenue, you understand, which the state receives from the sale of liquor—the economic consumption of the criminal she produces.

Late in the evening of the day upon which the trial of Cox was concluded, Judge Freeman, Solicitor Morton, and Pinkerton Britt



[See Page 10]

"As he ate he glared at the figure of his wife."



## JUSTICE

were seated in the office of the Arden Hotel.

"Who was that woman in the courtroom today?" asked the judge.

"Which one? There were three," answered Britt.

"No, the others were Cox's mother and sister—you can always recognize the female relatives of a criminal or a corpse. Who was the other?—the one who had a face like June looking through the window at a graveyard?"

"Oh, her!" answered Britt in a peculiar tone. "That was Adelaide Webster."

"And who is Adelaide Webster?"

"The sensation in Arden just now; lawyer—practiced in Colorado nine years. Came here this summer to visit her kin, the Websters, and remains, since the bar association

## JUSTICE

has just admitted women to the practice of law in this state."

"So!" was Freeman's enigmatical comment.

"She's been retained as counsel by that woman who killed her husband," Britt added.

"You don't say!" exclaimed the judge, looking interested.

"It's a shame! I wish she'd stayed in Colorado," Britt went on.

"Why?"

"Destroys the dignity of the court, introduces, er, what might be called an illegal element."

"To what element do you refer?" asked the judge.

"Women! This state has never legalized



## JUSTICE

women, has it? Aren't they recognized as irresponsible? Well, tomorrow you'll see what comes of it! The court-room will be filled with women; that is to say, with emotion, tears, sympathy, sniffles! What chance has the law in the wet weather of feminine tears? You'll never get a conviction, Morton!" he concluded, turning to the solicitor.

"Depends on the evidence," answered Morton.

"No, it doesn't; depends upon the scenery. And the Webster woman has worked that up, take it from me. She's a suffragist, been stirring up the women here for months; got 'em all behind her. And tomorrow you'll have 'em before you when you appear against Dora Wall. I'd rather

## JUSTICE

face an army!" he exclaimed, rising and taking his departure.

"Good night, Judge! See you before the army tomorrow morning," said Morton, laughing, as he also went out.

As a matter of fact, he was wondering how he would come out in the prosecution of the Wall woman; whether public sentiment as represented by a court-room full of women would permit him to rag the counsel for defense as was his custom, or whether they would stand for the severe handling of the accused. And in case this was permitted, how would he go about it? Women were singularly combustible, not only in themselves, but in any situation they chose to inhabit. Britt was right; law-and-nothing-but-law could not take its course with-

## *JUSTICE*

out a new kind of friction, with women staring at it. Law is masculine. It lacks those elements of mercy and sentiment for which women stand and always will stand.

The court-room the next morning presented a scene never before witnessed in Arden. One might have inferred that a solemn church service was about to begin. Half the house was filled with women, elderly, fat-bosomed women of the "amen corner" type; thin, flat women of the same type. This was unprecedented. No respectable woman had ever been seen there before. The men, packed and jammed on the other side, stared at them. The women did not return the stare. They looked with a single eye, one might have said, upon the drama going on before them. Not a whisper,

## *JUSTICE*

scarcely a movement among them. But they were all there, every woman in Arden, except the young girls.

On the left, seated at a table upon the floor below the judge, Solicitor Morton fumbled and shuffled his notes, challenged jurymen, went through the usual formalities of the prosecuting-attorney. Adelaide Webster sat on the right, near the prisoner, and challenged no jurymen at all. The heads of two small children could be seen barely showing above the back of a bench directly in front. They were still so young that it was difficult to determine their sex. Both wore dingy gingham dresses. One was a boy, the other a girl. They sat very still, and kept their eyes fixed gravely, in a kind of startled wonder, upon the prisoner. She

## JUSTICE

was, at least she had been, their mother. They were not so sure about that now. They were awed by some change in her.

She was a young woman, not more than twenty-five, very small, very wiry, very homely, with a kind of incisive black force in her dark face. Her hair was drawn back and knotted on top of her head; wisps of it hung down behind in an ugly fringe over her neck. Her hands were folded in her lap; her repose was profound. She was staring at the children, brooding over them with her somber eyes, covering them with the wings of her spirit. It was this singular exaltation which awed them.

The jury was chosen; examination of witnesses began. No one had seen the crime committed. The Walls lived on a farm that

## JUSTICE

had once belonged to the wife, but which had been sold for debt. They had since rented it. Wall was of a quarrelsome disposition, drunken, profligate. His wife was a hard worker, a silent woman who never went anywhere. Her character was good, but she was not liked. She was odd. That was all that was known against her.

The state had only one witness. This was a woman, a big slattern, showily dressed in soiled finery. She had known Wall, she admitted. On the day before the night of the crime she had seen him in Arden. He told her he did not want to go home, that he was afraid of his wife. He complained that there was something threatening, something dangerous, in her attitude toward him. No, he did not say what. He did not know

## *JUSTICE*

what it was, but he had felt it. The witness was positive that the crime had been premeditated, and that Wall had some definite reason for fearing his wife. It was with difficulty that she persuaded him to go home. Yes, she had sent him. Yes, he was drinking. Yes, she thought he was quite drunk.

She resented the cross-examination by the counsel for the defense. She assumed the challenging "good-as-you" expression a bad woman always takes when cornered by a good one.

"Where do you live?" asked Miss Webster.

"Here in Arden."

"But where in Arden?"

She could not say definitely. A poor

## *JUSTICE*

woman could not always pay her room rent when it was due.

"Are you married?"

"No."

"Have you any children?"

"One."

"Where is it?"

"In the Orphans' Home at Decatur." A poor woman could not always support her child.

"Do you support yourself?"

She certainly did! She glared at the side of the room filled with men, from whence came a sort of groaning titter.

"Do you work in Arden?"

"No!"

"Where do you work?"

She blazed. She became a conflagration.



## JUSTICE

The question was so outrageous in another woman.

"That will do," said Miss Webster quietly; "you need not answer."

The spectators shifted in their seats, the jury cleared its throat, uncrossed its legs and crossed them again the other way. The women looked straight in front of them, but every man in the room stared in astonishment at the defendant's counsel. Hers was good work from the legal point of view, but it was scandalous. Nobody was prepared for such direct indelicacy in a woman.

The prisoner refused to testify in her own behalf. It was as if she meant that she had no defense to make, in spite of the fact that her counsel had entered the plea, "Not guilty."

## JUSTICE

Solicitor Morton opened the argument with a masterly presentation of the state's case against the accused. Robert Wall, the husband of the prisoner at the bar, had come home on the night of September the seventh. It was a fact that he was drunk. He had gone to bed and had evidently fallen asleep without seeing his wife, who was in the next room with the children.

He paused, looked at the prisoner, then at the jury. "This much we know, Gentlemen of the Jury, from the prisoner herself. But there was no witness to the crime which followed. And even if we knew when and exactly how it was committed, it would not be possible to describe that in this court." He waved his hand to where row after row of women's faces were lifted in grim atten-

## *JUSTICE*

tion. "There are certain things, and some scenes, which cannot be discussed before women. No one saw the struggle that night between this young wife and her husband, if indeed there was a struggle. All we know for certain is that on the following morning, very early, the prisoner at the bar came to the jail in Arden, awakened the sheriff, and announced that she had killed her husband. She had walked many miles through the rain, which fell in torrents. She was wet to the skin, bedraggled, but calm. She wore the air of one who has accomplished a certain purpose without remorse. She had had hours to reflect upon the crime she had committed, but there was no break, no reaction of mad regret, as there surely would have been if the murder had not been premedi-

## JUSTICE

tated, if she had not disciplined herself to the thought of it for so many days that it had now become a part of her consciousness.

"She refused then, as now, to tell how and why she accomplished the crime. That is the only humanity she has showed, Gentlemen of the Jury. Even her fierce spirit dares not put into words that frightful scene. She has never offered the least explanation as defense. Yet so monstrous was her own self-accusation that the sheriff refused to believe her. She was not even arrested until he had gone to the house and seen Wall lying murdered in his bed. The sheriff returned to Arden and found the prisoner waiting, still calmly self-possessed, a condition of mind and spirit which she has maintained. Never once in the weeks

## JUSTICE

that have since passed has she indicated the least remorse, or emotion of any kind. No signs of insanity there, Gentlemen of the Jury, no mad regret, no weeping. She has lived in health, slept soundly every night, eaten with relish, maintained from first to last an air of callous indifference which is almost unbelievable in a woman."

Every eye in the house was turned upon the prisoner. She sat with her gaze still fixed upon the children. One of them had fallen asleep and lay at full length on the bench.

"This, Gentlemen of the Jury, is the monster of whose guilt there can be no question," Morton went on. "Few men, however desperate, would have had the awful nerve to execute such vengeance as this woman ac-

## **JUSTICE**

complished upon her sleeping husband, the father of her children."

The remainder of his speech consisted of arguments to prove that the law must be vindicated, that the safety of society and of the home depended upon its enforcement, that nothing, neither neglect, nor abuse, nor drunkenness, nor infidelity, could justify so frightful a crime. He called particular attention to the growing spirit of rebellion among married women, to the increasing number of divorces, to their disrupting influences upon the home, a ferocious disposition which, if left unchecked, would result more and more frequently in tragedies such as this one. The law cried aloud for justice. The safety of the home was at stake.

In conclusion, he said he was convinced

d, the  
sisted  
must  
y and  
ment,  
, nor  
fv so  
r at-  
llion  
sing  
in-  
posi-  
sult  
uch  
ice.  
ced



[See Page 12] "He avoided the face of man—"





## JUSTICE

that the jury would permit no weakness nor sentimentality to keep them from finding this woman guilty and delivering her to the punishment which, however dreadful, was the one she deserved and the only one that would safeguard society against the perpetration of similar crimes.

He took his seat with the air of a man who had performed a disagreeable duty to the satisfaction of his own conscience.

There was a stir as Adelaide Webster rose to her feet. Men craned their necks over the shoulders of other men in front of them to get a better view of her. Women dodged each other's hats in the same effort.

"Get out your handkerchiefs, boys!" whispered an old man in a group standing just inside the door. "She'll act on your

## JUSTICE

tear-bladders like a funeral. We'll all be crying in five minutes."

"Your Honor, Gentlemen of the Jury: I will not go back over the ground covered by my colleague, the prosecuting-attorney. He has presented to you the details of this tragedy with a veracity and a strength which leave nothing to be said about its horror."

She lifted her head, a stately figure in her plain gray coat-suit, and stood for a moment significantly silent. She became a mystical presence in the brown gloom. She was some womanly part of the clear day outside. She was the gray dawn after a long dark night. She held the stars in her hands. The earth curved beneath her feet. She stood for something new and strange, the symbol of the order of marvelous things to come. She

## JUSTICE

could say nothing, however eloquent, that would not be the anticlimax of what she was, of the impression she conveyed now of the future. Compared with this, the dingy scene, the little life or death of the prisoner, were mere incidents like the flight of the sparrow across the highways.

The men in the jury-box stared at her. They felt that they were in an embarrassing predicament. They desired to pay attention to the evidence, but they could not keep their eyes off this woman as a woman. In the jury-box a little old man with a white goatee stroked it and considered her, then he cleared his throat, crossed his legs, and resolved to do his duty whatever it was, damn it! The foreman of the jury sat hidden in his beard, like an old owl, the hair on

## JUSTICE

either side of his bald head sticking up like ears pricked forward in masculine, rather than legal, curiosity. He had sworn, so help him God, to do the square thing. And he hoped God would. He felt that some devilish advantage had been taken of his judgment in this business.

"Six years ago," Adelaide began, "this woman was married to Robert Wall. It was a love match, in which the woman gave everything, and the man had nothing. In less than a year her mother, a widow, died. She inherited the farm. You know it, Gentlemen of the Jury. It lies on the river down in Sugar Valley. They lived there. But Wall was a poor farmer. He was extravagant, and he drank. At the end of two years he had mortgaged the place. The next

## JUSTICE

year he sold it for a little more than the mortgage. The only times Dora Wall came to Arden during those three years were when she came to sign deeds that transferred her property to pay her husband's debts. This is one of the phenomena of nature, that nearly all women lose their sense of separate individuality after marriage, a thing which a man never loses. She is no longer herself. She is merely the more devoted, the obedient part of her husband. *He* is the individual. *He is the one* they two make together. His will is her law, her energy."

She seemed to speak more to herself in the next sentence. She wrinkled her fine brows into a conclusion of the whole matter.

"This submissiveness appears to be a provision of nature to insure the propagation of

## JUSTICE

the species, of which so many advantages besides are taken."

The judge looked up. She was beginning a long way off, a long way down, he thought. The jury gasped. The old man at the door took off his hat, wiped his bald head with a red bandanna, and muttered:

"Put 'em up, boys! You won't need no handkerchiefs. She's fixin' to t'ar the shirts off the last one of us, and show our ha'ry breast-bones, and prove that *we* done this here thing!" Life is full of these ludicrous asides upon the tragedies. Upon a solemn occasion there is always present a wag to caricature it, to twist the face of regret with a profane grin.

The counsel for the defense took her time. She went on deliberately with her little

## *JUSTICE*

details, which, when put together, were to illuminate the crime from a different angle.

"Wall placed the remaining sum received for his wife's farm in the bank to his own credit. I say, nothing is more natural. It was his because it was hers. The laws of this state protect the property rights of married women, but no statute has ever been recorded that can prevent one of them from trying to give her husband all she is and all she has. It is the way she exercises her trust, and the way nature exercises her.

"But a husband is a vain thing for safety. He may work well in the matrimonial harness, and he may not. The birth of the children and the care in bringing them up depends not upon his faithfulness, but upon

## JUSTICE

the mother's. Nature makes no speciality of the devoted sacrificial instinct in man.

"At the end of the fourth year Wall had spent all his wife's money. He had wronged her. This was reason enough why he should abuse her; conscience is a sting which prefers to sting the other fellow. Wall often beat his wife because he had taken her money. All this was known, yet there was no way for this woman to protect herself except by charging her husband with crime. And there is no name on your statute-books for the crime he committed. There is no law to compel a man not to cheat his wife, and to work for her support. There is, indeed, one which, if invoked, entitles her to receive a certain percentage of his earnings.



## JUSTICE

But what if he does no work? You know how that is, Gentlemen of the Jury. And who is to invoke the law? Your devoted wife never does. She can not be the enemy of her husband. Dora Wall worked in the field for the support of herself and her children. We have already heard what her husband did.

"Women are subject to singular forms of self-hypnotism in the marriage relation. They cease to exist, they endure unimaginable sufferings in silence. That is the last remnant of their fictitious self-respect. This woman refused to confide in her neighbors. She was not sullen. She had been slain. The spirits of such women walk in the flesh among us every day, poor ghosts of happiness, the victims of the strange im-

## JUSTICE

pieties of love. Nothing can cure them, and they cannot die."

She looked around at the prisoner. A miracle had been wrought here. The woman's face was like a book of leaves turned fast, upon which dreadful memories were written. Her expression changed rapidly, and at each change became so much more horror-stricken. She heard herself interpreted, she heard the deep silence of her many griefs given tongue in another's mouth. She was astonished. She did not expect or dream that any one would really understand. She had made up her mind to the death she must die. It would not be so terrible as the life she had lived. But now this woman, whose tones rolled like cool music, had awakened her, had stirred her deeps like an

## **JUSTICE**

angel dredging for sorrows. She began to weep. She wrung her hands and turned her head from side to side.

"You see her, Gentlemen of the Jury. How many robberies and murders can you read the record of in that face now, all committed against her frail life, her little store of love? For it is certain that she loved him beyond reason after every vestige of the qualities which inspired love had fallen from him. After he hated her she still loved him, protected him with the only means in reach, by her silence."

At this point she digressed a long time, telling what had happened before the crime, the incident that led up to it.

"She was slain many times, as you see, by the man she slew. But, Gentlemen of the

## JUSTICE

Jury, one thing lives in the dead hearts of such women: the conviction which each entertains that she, and no other, is one with him. Nothing can destroy this righteousness in a good woman. We call it jealousy. You have seen what she suffered here."

She moved her head, made a slight, significant gesture with her hand to where the big slattern sat fanning herself furiously. But she did not turn her eyes in that direction. It was the finest distinction in decency.

"She had lost her little fortune, she had lost love, she had endured neglect, hatred, contempt, poverty, the pangs of child-birth, all in meekness. But this, added to all the rest, was too much. I say it was too much, Gentlemen of the Jury. We need a system of laws——"

## JUSTICE

Morton arose. "I object, Your Honor, to any further discussion of the laws of this state in regard to the woman question. We are not here to settle that, but to determine the guilt or innocence of this one woman, the prisoner at the bar!"

The judge waved his hand. The counsel for the defense went on. "My colleague is right. We must hurry and settle what is to become of this woman. You see her, Gentlemen of the Jury. It is a fact she did kill her husband, desperately, as a timid thing changes into something demoniacal when the odds are too great to face. Hang her—and you slay the mother of two children to whom she has shown a frantic devotion. Sentence her to imprisonment—and they are worse than orphans, she worse than dead.

## JUSTICE

The crime was committed, but which was the more guilty, this woman who suffered all, or a commonwealth, a society, a political and social theory that permits drunkenness—and the other?" Once again she made that significant motion toward the state's witness.

"I leave it with you, Gentlemen of the Jury. The majesty of the law which permits these things is not so great that it requires the sacrifice of this woman to insure its dignity or to insure the safety of society. The great danger to society lies in a totally different direction."

She turned and moved gravely to her seat.

Morton arose, summed up his argument, and rested his case. The judge charged the jury. They retired. About four o'clock they

## JUSTICE

filed back into the court-room with the verdict, "Not guilty!"

Not Guilty! The prisoner heard the words. Magical change! All the angels that mold the countenances of mothers hastened to lift the scene of that sad face, to soften it, to sweeten it with the dew of tears, to part the tight lips with a sigh as of one awakened from a black dream. She saw neither the judge, the jury, nor the rows upon rows of silent people staring at her. She beheld only the two little tousled, tow-headed babies seated in globular patience upon the front bench, as if she had been released from death, not for herself, but for them.

And for the first time they recognized their mother in this woman who had stared

## JUSTICE

so darkly at them all day. They knew her now by a thousand intimate tokens, by her skirts fluttering like ruffled wings as she moved quickly forward, by that benignant droop of her thin shoulders; above all, by her face, shining upon them like a little candle in their woebegone darkness. Suddenly they were frightened of this place, of all these strange people. Their lips puckered, then simultaneously two red mouths opened in a wail. They lay back and well nigh gave up their little ghosts, helpless in the high bench as they stretched their arms to her. They had been deserted, and now their mother had risen from somewhere very far off to claim them again. The next moment both heads lay upon her breast as she knelt before them. Both faces were hidden





[See Page 13]

" . . . a posse of men with bloodhounds overtook him."



## *JUSTICE*

there from the horror of terrible things which they could not understand.

Dora Wall, with her hands pressed shieldingly close about their heads, lifted her eyes, for the first time since the trial began, to the men in the jury-box, tearless now and sad, but filled with the strange majesty of innocence. It was as if she had said, "You saved yourselves, not me." They were awed by that gaze which had in it none of the frailty of gratitude, but the invincible courage of one who could have died or lived with equal fortitude.

All this happened in a moment. Then, as she stood before the judge with her children clinging to her skirts, the crowd began to stir, like people who have held their breath for a moment and now exhale it in

## JUSTICE

an excited babble of talk. The women pressed forward around Adelaide and her client, making a great fuss with their congratulations. The men fell back. They made for the doors in silence. They did not know exactly what it was. To be sure, they were glad the woman had been acquitted. Still, they did not like the way she had escaped. That Webster woman's defense was a blow directed not only at the liberties of men, but at the very fabric of law and society. They thought the jury had been "unduly influenced," that but for this outrageously offensive argument of the defense, the verdict would have been the usual one of "Guilty, with recommendations for mercy." Later this would have been supplemented by a petition for pardon from the governor,

## JUSTICE

which petition they all would have gladly signed—including the judge and jury. That was the way the thing was usually done. And they said so to each other as they gathered in groups in the square.

"I told you what would happen," Britt exclaimed as he and Morton descended the court-house steps. "The female mind is not legal. That Webster woman missed the point in her defense, never touched it!"

"But the jury acquitted the prisoner, and there was not a woman in it!" complained Morton.

"Jury be hanged!" exploded Britt. "There was no jury, only a twelve-reed pipe-organ upon which Adelaide Webster played her own tune! Not a single one of 'em

## *JUSTICE*

realized his obligation to uphold the majesty of the law.

"You listen to me, Morton," he went on after a pause, "when women begin to practice in our profession, it won't be our profession any longer. It will cease to exist upon the present basic principles of law. They'll riddle it, durn 'em! They'll abolish capital punishment. They'll do away with penitentiaries and found schools for teaching morals to the immoral. They'll acquit a man for stealing from his employer, and arrest the employer for not paying the rogue enough to live on honestly. They'll establish public works for men that fail to provide for their families and make 'em support 'em. All that because they do not know, and never can be made to understand,

## **JUSTICE**

that men are lawless, and always will be, to a certain limit which they determine themselves, and that our system of law, which is fictitious, is the only one they'll stand, because it is fictitious! That's all I've got to say!" he concluded.

"It's enough," laughed Morton, "and a worse indictment than Adelaide Webster brought against us today."

"Yes, but I'm telling you privately. I'm not making a speech before a fool jury. The law is like certain religious creeds, a lot of it consists in mystifying the simple public."